

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXA
FILED
DEC 18 2006

RICKY RAYMOND, DONALD
EUBANKS, VIRGINIA LARA and
ET AL.

Plaintiffs,

V.

UNIVERSITY OF HOUSTON

Defendant.

CIVIL ACTION NO.

H-05-4149

**PLAINTIFFS' MOTION FOR CONTINUANCE OF STATUS CONFERENCE-
ATTORNEY UNAVAILABLE**

NOW COMES Plaintiffs Ricky Raymond, Donald Eubanks, Virginia Lara and ET AL, by and through their attorney of record, Lionel Mills, files this Motion for Continuance of Status Conference. Plaintiffs ask the court to continue Status Conference for at least 31 days.

A. Introduction

1. Plaintiffs are Ricky Raymond, Donald Eubanks, Virginia Lara and ET AL; Defendant is University of Houston (UH).
2. Plaintiffs, former students of the University of Houston sued Defendant challenging alleged discriminatory practices regarding race, sex, national origin, and disability discrimination. Plaintiffs claim disparate treatment and disparate impact under Title VI and Title IX.
3. This case is set for a Status Conference on December 27, 2006 at 10:00 AM.

4. Plaintiffs request this continuance until January 31, 2007, because Plaintiffs' attorney is unavailable for Status Conference.

B. Argument

5. The court has the discretion to grant a motion for continuance as part of its inherent power to control its own docket to ensure that cases proceed before it in a timely and orderly manner. *U.S. v. Waldman*, 579 F.2d 649, 653 (1st Circ. 1978).

6. Plaintiffs' attorney, LIONEL MILLS, will be unavailable for the conference on December 27, 2006, because of serious illness.

7. LIONEL MILLS is necessary to Plaintiffs' case because he is Plaintiffs' only legal counsel.

8. Plaintiffs' attorney is a sole practitioner, therefore there is no other attorney directly associated with plaintiffs' counsel that can immediately handle plaintiffs' case.

9. The lack of an attorney is not the Plaintiffs' fault, because plaintiffs have no control over their counsel's physical or psychological health.

10. Plaintiffs have no control over the professional conduct of the attorneys of record in this case, notably the tactics they choose to employ in litigating this case.

11. Pending holidays make it difficult for Plaintiffs to secure other legal counsel before (December 27, 2006) Status Conference.

12. This request for continuance is not for delay only, but so that justice may be done.

C. Conclusion

13. Plaintiffs' counsel's ill health and the professional conduct of the lead attorneys in this case is a matter beyond the control of the plaintiffs. Plaintiffs pray this Court allows them time to review the status of their lawsuit, and secure other legal counsel if required. For these reasons, plaintiffs ask the court to grant Plaintiffs' Motion for Continuance of Status Conference.

Respectfully Submitted,

/s/ Lionel Mills *Lionel mills*

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Attorney for Plaintiffs